

**Notice of Allowability**

Application No.

10/705,515

Examiner

Prabodh M. Dharja

Applicant(s)

BOLDT ET AL.

Art Unit

2629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07-16-2006.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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1. **Status:** Please all the replies and correspondence should be addressed to examiner new art unit 2629. Receipt is acknowledged of papers submitted on July 17, 2006 under amendments and request for reconsideration, which have been placed of record in the file. The terminal disclaimer filed on November 10, 2003 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded. The claims 1-23 are pending.

2. A timely filed on November 10, 2003 terminal disclaimer in compliance with 37 CFR 1.321(c) has overcome an actual rejection based on a nonstatutory double patenting ground and signed by the agent to fully comply with 37 CFR 3.73(b).

***Response to Amendment***

3. Applicant has amended specification to provide the status of nonprovisional parent application(s) (whether patented or abandoned) by adding US patent number, since parent application has become a patent, and no new matter has been added.

***Response to Arguments***

4. Applicant's arguments, see remark, filed 07-16-2006, with respect to Claims 1,8,17,22 have been fully considered and are persuasive. Applicant's arguments, see Remark, filed 07-16-06, with respect to Claims 1, 17 and 22 regarding "a diffractive optical element mounted on the

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housing in front of each pixel, the diffractive optical element being arranged to receive the light emitted by the pixels and disperse the light in a substantially elliptical pattern directly to an observer(s) without using any light emitted modulating guide such that the dispersed light is centered along the Z axis and the pattern is greater along the X axis than along the Y axis” have been fully considered, searched and are persuasive as they do overcome prior art rejection; which puts application number 10705515 in condition for allowance. The non-rejection of 05-11-2006 has been withdrawn. The objection to claim 8 has been withdrawn.

*Allowable Subject Matter*

5. Claims 1-23 are allowed.

6. The following is an examiner’s statement of reasons for allowance:

Applicant’s arguments filed on 07-16-2006 are convincing. As argued by applicant in remarks under claim rejection page 4, paragraph 2 and page 5, paragraphs 2, the prior arts of Minoura et al (US 4,842,396) in view of Swanson et al (US 5,889,567); Russell (US 5,926,411); Waldern et al (US2004/0108971A1); Herbert (US 6,008,839) and Popovich et al (US 6,115,152) fails to recite or disclose the uniquely distinct features represented by underlined bold claim below;

**a diffractive optical element mounted on the housing in front of each pixel, the diffractive optical element being arranged to receive the light emitted by the pixels and disperse the light in a substantially elliptical pattern directly to an observer(s) without**

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**using any light emitted modulating guide such that the dispersed light is centered along the Z axis and the pattern is greater along the X axis than along the Y axis.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

8. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

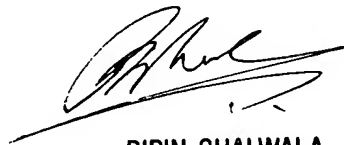
Commissioner of Patents and Trademarks

Washington, D.C. 20231

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January 09, 2006



BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600